## REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on <u>October 29, 2002</u>, and the references cited therewith.

Claims <u>1, 4, 8, and 15</u> are amended consistent with the originally filed specification. As a result, claims <u>1-20</u> are now pending in this application.

### *'102(e) Rejection of the Claims*

The Examiner rejected claims 1-20 as being anticipated under 35 USC ' 102(e) by U.S. Patent No. 6,240,411 (hereinafter "Thearling"). It is fundamental that in order to sustain an anticipation rejection each and every step or element in the rejected claims must be taught or disclosed in the cited reference. Thearling fails to teach or disclose, either expressly or inherently, determining a correlation during a campaign at configurable or adjustable time intervals, as is recited in Applicant's amended claims 1, 4, 8, and 15. Accordingly, the anticipation rejection with respect to Thearling is no longer appropriate and should be withdrawn.

Thearling is directed to integrating campaign management and data mining. More specifically, Thearling teaches database searching techniques that can be used during campaign management. Thearling adjusts the campaign management based on reconstruction of queries for fields that are present in records of a database and/or scores or values associated with models. (Thearling, Col. 8, lines 38-43). The timing associated with adjusting the model scores or values occurs at defined steps during the campaign. (Thearling, Col. 8, lines 55-67).

However, Applicant's amended claims 1, 4, 8, and 15 determine a correlation at configurable or adjustable time intervals during the campaign. By using configurable or adjustable time intervals to dictate the timing of when the correlation is determined, the Applicant's invention is using time, which is

external to the factors and demographic attributes of the contacts to influence the order of contacts selected during the campaign. That is, Applicant's invention actively uses time intervals to dynamically account for changing environmental conditions that may be occurring with the contacts during the campaign. In this way, contacts are selected at optimal times during which it is more likely that the contacts will be favorable to the campaign being conducted.

One of ordinary skill in the art readily appreciates that timing of a campaign is of considerable import. Conventionally, and in Thearling timing is predetermined and not used to dynamically alter how the campaign is proceeding, since the campaign is initiated at a predefined time. But, these techniques fail to account for events that may be dynamically occurring during the campaign that can substantially impact the correlations associated with the campaign. For example, and as discussed in Applicant's original filed specification, a campaign may show that men are not likely to be favorable to a campaign during an event such as the Super Bowl, but immediately following the Super Bowl this correlation may no longer be true. With Applicant's invention, the dynamic determination of the correlation at configurable or adjustable time intervals results in dynamically resolving this external environmental circumstance and dynamically adjusting the correlation and the campaign optimally and in real time.

Thearling provides no teaching, expressly or inherently, where time intervals are of import and used when managing a campaign. Rather, Thearling relies on internal models and fields of the database to manage the campaign. In fact, the only time reference that is of significance in Thearling is the measurement of elapsed time that it takes an algorithm to determine a correlation. This elapsed time measurement is used to monitor performance throughput of the correlation algorithm. (Thearling, Col. 14, lines 27-29). Moreover, this unrelated reference to elapsed time is relegated to the very end of the specification in Thearling.
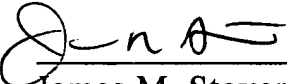
Accordingly, Thearling cannot be said to anticipate Applicant's claims and the Applicant respectfully requests that the rejections be withdrawn and the claims be allowed to issue.

## Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants attorney (937-445-7663) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No.19-0743.

Respectfully submitted,

James M. Stover
Reg. No. 32,759

NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479-0001

Tel. No. (937) 445-7663
Fax No. (937) 445-4792

## APPENDIX A:

## CLAIMS IN MARKED-UP FORM

1. (Amended) A method of optimizing a campaign using a set of executable instructions, comprising:

receiving a campaign operable to determine a success factor and a failure factor;

receiving a contact list including a plurality of contacts each contact associated with one or more demographic attributes;

associating a completed contact list with each completed contact in the contact list and a remaining contact list with each non completed contact in the contact list;

determining <u>at configurable contact intervals</u> from the completed contact list if a correlation exists between the completed contacts associated with the factors and one or more demographic attributes<u>, wherein the contact intervals represent elapsed periods of time during the campaign</u>; and

retrieving each contact in the remaining contact list based on the determined correlation.

2. (Unchanged) The method of claim 1, further comprising:

removing one or more selective contacts in the remaining contact list based on an unfavorable value of the correlation which is associated with one or more of the selective contacts.

3. (Unchanged) The method of claim 1, further comprising:

initiating at one or more intervals the step for determining the correlation.

4. (Amended) The method of claim 3, further comprising:

dynamically adjusting [one or more of] the contact intervals if no substantial correlation is determined.

5. (Unchanged) The method of claim 1, further comprising:

randomly seeding the retrieved remaining contact list with an adjustable percentage of non completed contacts without regard for the determined correlation.

6. (Unchanged) The method of claim 5, further comprising:

redetermining the correlation to discover if as a result of randomly seeding a modified correlation is detected; and

retrieving each remaining contact in the remaining contact list based on the modified correlation.

7. (Unchanged) The method of claim 1, further comprising:

discarding remaining contacts in the remaining contact list having unfavorable demographics with respect to the determined correlation; and

acquiring one or more new contacts not originally associated with the contact list, each new contact having favorable demographics with respect to the determined correlation and each new contact sorted into the remaining contact list.

8. (Amended) A system for optimizing campaigns, comprising:

a campaign optimizer comprising executable instructions operable to communicate with one or more contact data stores, the data stores associated with at least one of one or more completed contacts and one or more non completed contacts, the campaign optimizer operable to receive completed contacts at adjustable time intervals;

a correlator comprising executable instructions operable to communicate with the campaign optimizer, to receive the completed contacts, and to determine if a correlation associated with the completed contacts exist between the completed contacts identified with at least one of a success factor and a failure factor and one or more demographic attributes, and wherein the correlator determines the correlation during each of the adjustable time intervals; and

a non completed contact sorter comprising executable instructions operable to communicate with the correlator, one or more of the data stores, and the campaign optimizer, the non completed contacts sorter operable to sort non completed contacts in one or more of the data stores based on the correlation.

9. (Unchanged) The system of claim 8, wherein the correlator is operable to determine a correlation coefficient for each of the demographic attributes.

10. (Unchanged) The system of claim 8, wherein the contacts are associated with an outbound contact campaign.

11. (Unchanged) The system of claim 8, further comprising:

an outcome analyzer comprising executable instructions operable to determine upon completion of one or more of the completed contacts if the completed contact is associated with at least one of the success factor and the failure factor.

12. (Unchanged) The system of claim 8, further comprising an optimization manager comprising executable instructions operable to randomly seed the non completed contacts in one or more of the data stores with a percentage of non completed contacts without regard to the correlation.

13. (Unchanged) The system of claim 12, wherein the optimization manager is operable to communicate with the correlator to redetermine a modified correlation based on completed contacts associated with the randomly seeded contacts.

14. (Unchanged) The system of claim 13, wherein the optimization manager is operable to communicate to the non completed contacts sorter the modified correlation resulting in a resort of the non completed contacts in one or more of the data stores based on the modified correlation.

15. (Amended) A method of optimizing a contact list during a campaign using a set of executable instructions, comprising:

identifying a contact campaign;

receiving a contact list including completed contacts and non completed contacts, each of the contacts associated with a success factor, a failure factor, and one or more demographic attributes;

determining during the contact campaign at adjustable time intervals a correlation between the factors and one or more of the demographic attributes of the completed contacts; and

reordering during the contact campaign the non completed contacts based on the correlation.

16. (Unchanged) The method of claim 15, further comprising:

seeding in random order an adjustable percentage of the non completed contacts without regard for the correlation.

17. (Unchanged) The method of claim 16, further comprising:

determining a new correlation by evaluating the factors and one or more of the demographic attributes for completed contacts after the seeding step; and

reordering the non completed contacts based on the new correlation.

18. (Unchanged) The method of claim 15, further comprising:

receiving a reference operable to modify and retrieve one or more contact data records from one or more data stores associated with each of the contacts.

19. (Unchanged) The method of claim 15, further comprising:

reporting summary data associated with the contact campaign.

20. (Unchanged) The method of claim 15, wherein the contact campaign is conducted over at least one of an e-mail channel, an on-line channel, a voice channel, a video channel, an audio channel, a kiosk channel, an ATM channel, and a wireless channel.